

IN THE MATTER OF THE COMPLAINT		
AND STATEMENT OF CHARGES AGAINST		AMENDED ORDER
EDUARDO REVEIZ, M.D.		02-84-229
		02-85-079
RESPONDENT		02-85-359
		02-85-452

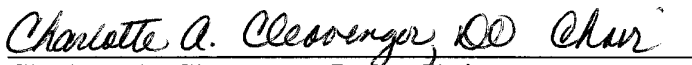
I. That on August 26, 1993, Eduardo Reveiz, M.D., (hereafter the Respondent) filed an application with the Iowa State Board of Medical Examiners (hereafter the Board), seeking certain amendments to a medical board disciplinary Order issued in the above entitled action on August 26, 1993.

THEREFORE IT IS ORDERED that the above referenced medical board disciplinary Order dated August 26, 1993 is hereby amended to read:

"That the probation placed upon the Respondent's license to practice medicine and surgery is terminated effective at 0001 hours July 22, 1993, and the said license is hereby returned to its full privileges free and clear of the terms of probation. However, the restriction from the Respondent practicing obstetrics and orthopedic surgery as outlined in Paragraph A herein shall remain in full force

and effect with the exception that the Respondent may preform the following procedures:

1. Primary tendon repairs
2. Amputation of gangrenous digits
3. Small skin grafts and pinch grafts
4. D & C for incomplete septic abortions

  
Charlotte A. Cleavenger, D.O., Chair  
IOWA STATE BOARD OF MEDICAL EXAMINERS  
1209 East Court Avenue  
Des Moines, Iowa 50319-0180

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\*\*\*\*\*  
IN THE MATTER OF THE COMPLAINT :

AND STATEMENT OF CHARGES AGAINST : ORDER  
EDUARDO REVEIZ, M.D. : 02-84-229  
: 02-85-359  
RESPONDENT : 02-85-079  
: 02-85-452

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NOW ON 26 August, 1993 BE IT REMEMBERED:

1. That on July 22, 1991, an Order was issued by the Director of Public Health of the state of Iowa, placing the license to practice medicine and surgery, number 18075 issued to Eduardo Reveiz, M.D. (hereafter the Respondent) on March 12, 1970, as hereafter outlined:

A. By restricting the Respondent from engaging in the practice of obstetrics or the practice of orthopedic surgery without the prior written consent of the Board.


B. By placing the Respondent's restricted license on probation for two (2) years, under certain terms and conditions.

2. That the Respondent has successfully completed probation as directed, and:

3. That the Board having directed that the probation placed upon the Respondent's license to practice medicine and surgery should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery is terminated effective at 0001 hours July 22, 1993, and the said license is hereby returned to its full privileges free and clear of the terms of probation. However, the restrictions from the Respondent practicing obstetrics or orthopedic surgery as outlined in Paragraph A herein remain in full force and effect.

  
Charlotte A. Cleavenger, D.O.  
Chairperson  
IOWA STATE BOARD of MEDICAL EXAMINERS  
1209 East Court Avenue  
Des Moines, Iowa 50319-0180

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :

AND STATEMENT OF CHARGES AGAINST : ORDER

EDUARDO REVEIZ, M.D. : 02-84-229

02-85-359

RESPONDENT : 02-85-079

02-85-452

\* \* \* \* \*

NOW on July 22, 1991, the above entitled matter having been filed with the Director of Public Health of the State of Iowa, and the said Director of Public Health being fully advised in the premises FINDS:

1. That Eduardo Reveiz, M.D. (hereafter the Respondent), was issued a license to practice medicine and surgery in Iowa, on March 12, 1970, as evidenced by certificate number 18075 which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners (hereafter the Board).

2. That a Complaint and Statement of Charges was filed against the Respondent, on April 11, 1991, and was scheduled to be heard before the Board.

3. That the Board has jurisdiction of the parties and the subject matter herein.

4. That the Director of Public Health is authorized to enter an order herein under the provisions of sections 148.6(1) and 148.7(7) of the 1991 Code of Iowa and rule 653-12.50(31), of the Iowa Administrative Code.

5. That pursuant to the provisions of sections 17A.10 and

258A.3(4) of the 1991 Code of Iowa, the Respondent and the Board have entered into an Informal Settlement providing that the undersigned should enter an Order placing the Respondent's license to practice medicine and surgery in the state of Iowa on probation under certain terms and conditions.

6. THEREFORE IT IS HEREBY ORDERED that the Respondent's license to practice medicine and surgery in the state of Iowa is hereby placed on probation for a period of two (2) years, under the following terms and conditions:

A. In addition to the continuing medical education required by law, the Respondent shall attend an additional ten (10) hours per year in the area of respiratory disease. These additional hours shall be approved in advance by the Board.

B. Upon annual completion of the continuing medical education required in paragraph A, the Respondent shall within thirty (30) days of completion report to the Board and furnish proof of completion to the Board.

C. The Respondent shall obey all rules and all federal, state, and local laws governing the practice of medicine in Iowa.

D. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.


7. IT IS FURTHER ORDERED that the Respondent shall not engage in the practice of obstetrics or the practice of orthopedic surgery without the prior written consent of the Board. This

restriction is not limited to the period of probation and applies permanently.

8. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order.

9. In the event the Respondent violates or fails to comply with any of the terms or provisions of the Informal Settlement or this Order, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code sections 148.6(1) and 258A.3(2) and 653 Iowa Administrative Code section 12.2.

10. Upon full compliance with the terms and conditions set forth in the Informal Settlement and this Order, and upon expiration of two years from its approval, all terms and conditions required herein, except those required in paragraph 7 of this Order, shall end.

  
\_\_\_\_\_  
Christopher G. Atchison, Director  
Iowa Department of Public Health  
Lucas State Office Building  
Des Moines, IA 50319-0075

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE	)	
COMPLAINT AND STATEMENT	)	
	)	NO. 02-84-229
OF CHARGES AGAINST	)	02-85-359
	)	02-85-079
EDUARDO REVEIZ, M.D.,	)	02-85-452
	)	
RESPONDENT.	)	INFORMAL SETTLEMENT

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COME NOW the Iowa Board of Medical Examiners [the Board] and Eduardo Reveiz, M.D., [the Respondent] and, pursuant to Iowa Code §§ 17A.10 and 258A.3(4), enter into the following Informal Settlement of the contested case currently on file:

1. The Respondent was issued license no. 18075 to practice medicine and surgery in Iowa on March 12, 1970.

2. A Complaint and Statement of Charges was filed against the Respondent on April 11, 1991.

3. The Board has jurisdiction of the parties and the subject matter.

4. The Director of Public Health shall take appropriate action to place the Respondent's license on probation for a period of two (2) years under the following terms and conditions:

- A. In addition to the continuing medical education required by law, the Respondent shall attend an additional ten (10) hours per year



in the area of respiratory disease.

These additional hours shall be approved in advance by the Board.

- B. Upon annual completion of the continuing medical education required in ¶A, the Respondent shall within thirty (30) days of completion report to the Board and furnish proof of completion to the Board.
- C. The Respondent shall obey all rules and all federal, state, and local laws governing the practice of medicine in Iowa.
- D. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.

5. The Respondent shall not engage in the practice of obstetrics of the practice of orthopedic surgery without the prior written consent of the Board. This restriction is not limited to the period of probation and applies permanently.

6. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement.

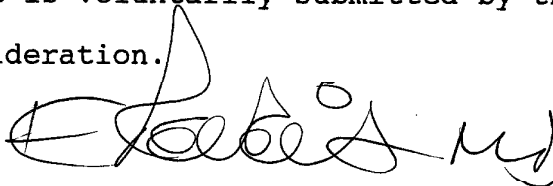
7. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Informal Settlement, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code §§ 148.6(1) and 258A.3(2) and 653 Iowa Admin. Code § 12.2.

8. Upon full compliance with the terms and conditions set forth in this Informal Settlement, and upon expiration of two years from its approval, all terms and conditions required herein, except those required in ¶5, shall end.

9. Execution of this Informal Settlement constitutes an agreed resolution of the pending contested case; however, execution by the Respondent does not constitute an admission.

10. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

11. This Informal Settlement is voluntarily submitted by the Respondent to the Board for consideration.



EDUARDO REVEIZ, M.D.

Subscribed and sworn to before me on this 25<sup>th</sup> day of June, 1991.



D. Jean Golly  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA D. Jean Golly

This Informal Settlement is accepted by the Iowa Board of Medical Examiners on the 27<sup>th</sup> day of June, 1991.

✓ C. Peterson  
C.L. PETERSON, D.O., Chairman  
Iowa Board of Medical Examiners

✓ Subscribed and sworn to before me on this 19<sup>th</sup> day of July, 1991.

James Carr  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

IN THE MATTER OF THE	)	DIA NO. 91DPHMB-23
COMPLAINT AND STATEMENT	)	NOS. 02-84-229, 02-85-079
OF CHARGES AGAINST	)	02-85-359, 02-85-452
	)	
EDUARDO REVEIZ, M.D.,	)	
Respondent	)	ORDER

On May 2, 1991, the Respondent filed a Request for a More Definite Statement concerning the allegations contained in numbered paragraph 9 of the Complaint and Statement of Charges. The State filed a Resistance to the Request for a More Definite Statement on May 30, 1991.

As is pointed out in the State's resistance, the Board is only required to provide a "short and plain" statement of the matters asserted. Iowa Code section 17A.12(2)(d) (1991). Paragraph 9 of the Complaint and Statement of Charges does satisfy this standard. Furthermore, the Respondent has been provided the Internal Medicine Peer Review Report and the chair of this Committee is available for deposition.

The Request for a More Definite Statement is DENIED.

Dated this 7<sup>th</sup> day of June, 1991.



Margaret LaMarche  
for the Iowa Board of Medical Examiners

ML/JMM

cc: William Sidney Smith  
Smith, Schneider, Stiles, Mumford,  
Schrage, Zurek, Wimer, Hudson, P.C.  
Tenth Floor, Equitable Building  
Des Moines, IA 50309-3715

Julie Pottorff  
Assistant Attorney General  
Hoover Building  
LOCAL

cc: Dennis Carr  
Iowa Board of Medical Examiners  
LOCAL

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE	)	
	)	
COMPLAINT AND STATEMENT	)	NO. 02-84-229
	)	02-85-359
OF CHARGES AGAINST	)	02-85-079
	)	02-85-452
EDUARDO REVEIZ, M.D.,	)	
	)	
RESPONDENT.	)	RESISTANCE TO REQUEST
	)	FOR A MORE DEFINITE
	)	STATEMENT

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COMES NOW the State of Iowa, and, pursuant to Iowa Code § 17A.12(2)(d) and 653 Iowa Admin. Code § 12.50(16), resists the Request for a More Definite Statement on the following grounds:

1. A Complaint and Statement of Charges was filed on April 11, 1991, alleging violation of statutes and rules in this care rendered to five patients.

2. The Board is required only to provide a "short and plain" statement of the matters asserted. Iowa Code § 17A.12(2)(d) (1991).

3. Paragraph 9 alleges the Respondent provided substandard medical care to patient no. 5 by the "inappropriate use of medication in the treatment of asthma" and the "failure to respond appropriately to a toxic blood level."

4. The Respondent filed a Request for a More Definite Statement on April 30, 1991, with respect only to the allegations in ¶9 of the Complaint and Statement of Charges concerning patient no. 5.

5. More specificity concerning this allegation is contained in the Internal Medicine Peer Review Report furnished to the Respondent on April 25, 1991. (Exhibit A)


6. The chair of the Internal Medicine Peer Review Committee is available for deposition in order to answer the Respondent's questions about the report and his anticipated testimony on these issues. See Iowa Code § 17A.13(1) (1991).

7. Further specificity by the Board in a pleading is not required to apprise the Respondent of a "short and plain" statement of the matters asserted.

WHEREFORE the State of Iowa prays the Request for a More Definite Statement be denied.

Respectfully submitted,

BONNIE J. CAMPBELL  
ATTORNEY GENERAL OF IOWA

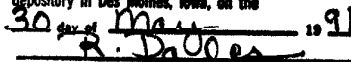
  
JULIE F. POTTORFF  
Assistant Attorney General  
Hoover Bldg., 2nd Floor  
Des Moines, Iowa 50319  
Tel. (515) 281-6858

Copy to:

William Sidney Smith  
Smith, Schneider, Stiles,  
Mumford, Schrage, Zurek,  
Wimer & Hudson, P.C.  
Tenth Floor, Equitable Bldg.  
Des Moines, Iowa 50309-3715

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all parties in the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at his respective address as disclosed by the pleadings of record herein, with postage fully paid and by depositing said envelope in a United States Post Office depository in Des Moines, Iowa, on the

30<sup>th</sup> day of May, 1991  


BEFORE THE BOARD OF  
MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE	:	02-84-229, 02-85-079,
COMPLAINT AND STATEMENT	:	02-85-359, 02-85-452
OF CHARGES AGAINST EDUARDO	:	
REVEIZ, M.D.,	:	REQUEST FOR A MORE
	:	DEFINITE STATEMENT
Respondent.		

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COMES NOW the Respondent, Eduardo Reveiz, M.D., by and through his attorney, William Sidney Smith, and pursuant to Rule 653-12.50(16) of the Iowa Administrative Code states as follows:

1. Numbered paragraph 9 of the Complaint and Statement of Charges alleges that the Respondent provided substandard medical care to patient Number 5 by "a. The inappropriate use of medication in the treatment of asthma; and b. The failure to respond appropriately to a toxic blood level."

2. The Internal Medicine Family Practice Peer Review Committee in its letter dated May 15, 1989, states as to this patient, in part, that he "was treated with both IV Theophylline and p.o. Theo-dur, developed Theophylline toxicity with seizure. This patient was also receiving Halcion, Robaxin and Valium."

3. The Internal Medicine Family Practice Peer Review Committee concludes, in part, in its letter dated May 15, 1989 "that there was inappropriate use of medication in the treatment of asthma, as well as a failure to respond appropriately to a toxic blood level."

4. The facts in this case, as demonstrated by the patient file are reflected in this Respondent's answer, and is as follows:

"9. As to Paragraph 9, the Respondent, Eduardo Reveiz, M.D., admits that he treated this patient on and prior to November 8, 1983, when the patient experienced substantial difficulty in breathing but denies that he provided substandard medical care either in the use of medications selected or in his response to elevated blood levels of medication. As to this patient, Respondent, Eduardo Reveiz, M.D., further states that he was admitted to the hospital on November 8, 1983, and discharged on November 15, 1983. He had a long standing history of asthma with severe episodes of status asthmaticus. He was on Theodur 300 four times a day and he was under Dr. Wanzek's (Pulmonologist from Ames) supervision. He was having regular theophylline levels and was on 20 mg. per day of Prednisone at the time. He came with a viral syndrome, aggravating a severe bronchospasm. Blood gases could not be done in ER because of a deficiency in the machine, as stated in the record. He was given some aminophylline IV since Dr. Reveiz felt that he had missed a couple of doses orally and he had vomited on two occasions. The theophylline determination showed a level of 43.6. This determination was done with the IV medicine running. The infusion was immediately stopped. The airway was clear, the patient received Solumedrol IV and the bronchospasm improved. He probably had an anoxic convulsion secondary to the bronchospasm and the acidosis since his blood gases showed a pH of 7.04. He was treated accordingly and immediately improved. Dr. Reveiz was present with the patient continuously for three hours as the record confirmed. Dr. Wanzek was consulted via telephone on several occasions and approved the treatment. When the patient left the hospital, he was evaluated by him. Attached hereto, as Exhibit "E", is a copy of Dr. Wanzek's letter relating to this patient. This patient continues to take Theodur 300 four time a day. Attached as Exhibit "F" is his Theophylline level from December 12, 1990, which is 14.2."

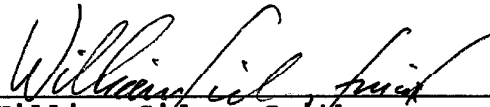
5. Based on the conclusionary statements contained in (i) of the Complaint and Statement of Charges, (ii) the relevant Peer



Review Committee Report and (iii) the facts in this case, the Respondent is unable to ascertain the basis of this portion of the Complaint and requests a more definite statement from the Committee as to patient Number 5 in the Complaint and Statement of Charges and, in particular, requests such more definite statement include:

- (a) Whether any claim is made that any of the medications administered in this case should not have been administered;
- (b) If any claim is made that inappropriate medication was administered, please specify which medication is claimed to be inappropriate and why;
- (c) If it is claimed that alternative medications should have been used, please identify such medication and state why it is claimed to constitute substandard medical practice to utilize the medication applied rather than that claimed appropriate;
- (d) In light of the temporary break down in the hospital's blood gas analysis, the patient's significant breathing problem when admitted and the fact that the patient had been nauseous prior to admission, please state the basis for any claim of substandard medical practice based on the amount of medication applied;
- (e) If it is claimed that a particular medication was correctly applied but that the dosage was incorrect, please state the claimed correct dosage for the particular medication at the time of treatment and how that could have been determined during the emergency;
- (f) Please indicate with particularity (i) the type and, (ii) quantity of medications and, (iii) non-medication treatment it is claimed should have been undertaken for patient Number 5 when it was determined that a blood toxicity level existed; and
- (g) Please indicate with particularity how it is claimed that the Respondent, Eduardo Reveiz, M.D., committed substandard medical practice in responding to the elevated blood toxicity level.

Respectfully submitted,

  
\_\_\_\_\_  
**William Sidney Smith**  
SMITH, SCHNEIDER, STILES, MUMFORD,  
SCHRAGE, ZUREK, WIMER & HUDSON, P.C.  
1000 Equitable Building  
Des Moines, IA 50309  
(515) 245-6789

ATTORNEY FOR RESPONDENT

Original Filed.

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon Julie F. Pottorff, Assistant Attorney, Iowa Department of Justice, Hoover State Office Building, Des Moines, IA 50309 (515) 281-8760 by depositing a copy thereof in the U.S. mail, postage prepaid, in an envelope addressed to the above attorney on April 30, 1991.

  
\_\_\_\_\_

BEFORE THE BOARD OF  
MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE	:	02-84-229, 02-85-079,
COMPLAINT AND STATEMENT	:	02-85-359, 02-85-452
OF CHARGES AGAINST EDUARDO	:	
REVEIZ, M.D.,	:	
Respondent.	:	ANSWER AND AFFIRMATIVE DEFENSES

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COMES NOW the Respondent, Eduardo Reveiz, M.D., by and through his attorney, William Sidney Smith, and pursuant to Rule 653-12.50(14) of the Iowa Administrative Code, answers as follows:

**DIVISION I**

The Respondent's name, address and telephone number are as follows:

Eduardo Reveiz  
815 Des Moines Street  
Webster City, Iowa 50595  
(515) 832-1053

**DIVISION II**

1. As to the specific paragraphs in the Complaint and Statement of Charges in this matter, the Respondent, Eduardo Reveiz, M.D., answers as follows:

2. The Respondent, Eduardo Reveiz, M.D., admits the allegations in Paragraph 2 of the Complaint and Statement of Charges.

3. The Respondent, Eduardo Reveiz, M.D., admits the allegations in Paragraph 3 of the Complaint and Statement of Charges.

4. The Respondent, Eduardo Reveiz, M.D., admits the allegations in Paragraph 4 of the Complaint and Statement of Charges.

5. As to Paragraph 5, the Respondent, Eduardo Reveiz, M.D., admits that he performed a classical C-section on patient number 1 on or about November 23, 1982, but denies that either its use nor the method in which it was undertaken constituted substandard medical care. As to this patient, Respondent, Eduardo Reveiz, M.D., further states that he performed a Classical C-section on November 24, 1982, for Dr. Sahai's patient because of cephalopelvic disproportion (first baby). The patient was discharged from the hospital five days later, on November 29, 1982. He did the vertical, tradicional incision because he was trained this way and he was familiar, at that time, with that procedure since he was not a gynecologist who performed C-sections on a regular basis. At that time, 1982, it was not unusual in that area, especially for general surgeons, to do classical sections with which they were more comfortable. Starting in approximately 1984, Dr. Reveiz performed all his cases with low cervical incisions. Dr. Reveiz has not done C-sections for the past five years.

6. As to Paragraph 6, the Respondent, Eduardo Reveiz, M.D., admits that he treated an intertrochanteric fracture of the femur on an eighty-five (85) year old nursing home patient by use of a Haig nail and side plate on or about September 22, 1984, but denies that either its use or the method in which it was undertaken constituted substandard medical care. As to this patient, Respondent, Eduardo Reveiz, M.D., further states that the fracture was very low neck, high intertrochanteric and that he performed a hip pinning with a Haig nail and a side plate with four screws. He

selected this device because the patient was a nursing home patient with very limited ambulation. Given her age and medical condition (beyond this hip fracture), Dr. Reveiz felt that fixation was the primary objective coupled with minimum surgery impact. As a result, hip replacement and alternative procedures were not used. The position of the nail in the last set of films was satisfactory. See attached Exhibit "A-1". Despite this effort there was some extrusion of the nail due to this patient's osteoporosis and she subsequently required a total hip replacement. Dr. Reveiz had explained the possibility of this complication to the patient and her family and they were given the opportunity to go to the Orthopedist in Ames or Iowa City. See attached Exhibit "A-2".

7. As to Paragraph 7, the Respondent, Eduardo Reveiz, M.D., admits that he treated an eighty-seven (87) year old patient, who was not materially ambulatory, for a hip fracture on or about January 31, 1985, but denies that either such treatment or the follow-up procedures constituted substandard medical care. As to this patient, Respondent, Eduardo Reveiz, M.D., further states that this patient had been in the Hamilton County Home since 1967 with a diagnosis of manic depressive personality. She was not ambulatory. She sustained a very low fracture of the neck of the femur which he felt reasonable to treat with a Smith-Peterson nail and a side plate. He honestly felt that at eight-seven (87) and being in the County Home for twenty (20) years with significant mental deterioration that she was not a candidate for a total hip replacement. The AP view shows quite acceptable position in the

pinning and this is the opinion of the Orthopedic consultant from Ames. The lateral view shows some drifting, somewhat posteriorly for which the Respondent, Eduardo Reveiz, M.D., was aware. Due to the fact that such patient was not ambulatory, prior to the hip fracture, and the desire to minimize further trauma during the surgical process (this elderly lady was hypotensive) he concluded that a satisfactory stabilization had been obtained. To verify this, Dr. Reveiz then contacted a consultant prior to engaging in corrective efforts. The Respondent, Eduardo Reveiz, M.D., consulted with Dr. Gitchell of McFarland Clinic. Dr. Gitchell advised him that if the joint stabilized and the pain was controlled, no further procedure was necessary. Dr. Gitchell did not think a Mueller prosthesis was indicated. See attached Exhibit "B". Dr. Gitchell's analysis was correct. The patient returned to the County Home and did not require any subsequent surgery.

8. As to Paragraph 8, the Respondent, Eduardo Reveiz, M.D., admits that on or about August 13, 1979, he performed a right hip nailing procedure on a ninety-six (96) year old patient with a definite impacted fracture, subcapital with foreshortening of the right femoral head and neck but denies that substandard medical care was given to the patient. As to this patient, Respondent, Eduardo Reveiz, M.D., further states that she was admitted via rescue unit by Dr. Kuramoto, who based on her symptoms and x-rays felt she had a fractured hip (see attached Exhibit "C"). She underwent a hip pinning the next day after stabilization. She required three pints of whole blood since there was a large

hematoma on the fracture site. She underwent a conventional hip pinning with a Haig nail and a side plate with three screws. In Dr. Reveiz's honest opinion, at that time there existed an impacted hairline fracture supported by the significant local bleeding, shortening of the extremity and severe pain in the area. He did not have the benefit of having the radiologist reviewing the x-rays (that day) of the films, but radiographically it was described by Dr. Lacey, Fort Dodge, as "There is an irregular density over the posterior medial aspect of the femoral neck on the AP view. This is suggestive of a fracture". (See attached Exhibit "D").

These films were reviewed again in 1988, by Dr. Michael Hinz, M.D., Radiologist in the hospital, who also felt that a possibility of a fracture was present. If this was a mistake, it was an honest mistake, and the only one of this nature he had under those circumstances. This event happened twelve (12) years ago.

9. As to Paragraph 9, the Respondent, Eduardo Reveiz, M.D., admits that he treated this patient on and prior to November 8, 1983, when the patient experienced substantial difficulty in breathing but denies that he provided substandard medical care either in the use of medications selected or in his response to elevated blood levels of medication. As to this patient, Respondent, Eduardo Reveiz, M.D., further states that he was admitted to the hospital on November 8, 1983, and discharged on November 15, 1983. He had a long standing history of asthma with severe episodes of status asthmaticus. He was on Theodur 300 four times a day and he was under Dr. Wanzek's (Pulmonologist from Ames)

supervision. He was having regular theophylline levels and was on 20 mg. per day of Prednisone at the time. He came with a viral syndrome, aggravating a severe bronchospasm. Blood gases could not be done in ER because of a deficiency in the machine, as stated in the record. He was given some aminophylline IV since Dr. Reveiz felt that he had missed a couple of doses orally and he had vomited on two occasions. The theophylline determination showed a level of 43.6. This determination was done with the IV medicine running. The infusion was immediately stopped. The airway was clear, the patient received Solumedrol IV and the bronchospasm improved. He probably had an anoxic convulsion secondary to the bronchospasm and the acidosis since his blood gases showed a pH of 7.04. He was treated accordingly and immediately improved. Dr. Reveiz was present with the patient continuously for three hours as the record confirmed. Dr. Wanzek was consulted via telephone on several occasions and approved the treatment. When the patient left the hospital, he was evaluated by him. Attached hereto, as Exhibit "E", is a copy of Dr. Wanzek's letter relating to this patient. This patient continues to take Theodur 300 four time a day. Attached as Exhibit "F" is his Theophylline level from December 12, 1990, which is 14.2.

10. As to Paragraph 10, the Respondent, Eduardo Reveiz, M.D., admits that they correctly quote the contents of the cited rules under the Iowa Administrative Code.

11. As to Paragraph 11, the Respondent, Eduardo Reveiz, M.D., admits that they correctly quote the contents of the cited rules under the Iowa Administrative Code.



12. The Respondent, Eduardo Reveiz, M.D., denies the allegations of Paragraph 12 of the Complaint and Statement of Charges.

**WHEREFORE**, the Respondent, Eduardo Reveiz, M.D., prays that the Board enter its findings of fact and a decision determining that the Respondent, Eduardo Reveiz, M.D., has not provided substandard medical care to any of the patients referenced herein and that the Respondent, Eduardo Reveiz, M.D., be exonerated and for such other relief as the Board deems just in the circumstance.

### **DIVISION III**

**COMES NOW** the Respondent, Eduardo Reveiz, M.D., and for an Affirmative Defense to all Complaints herein states:

1. That the Respondent, Eduardo Reveiz, M.D., received his five years of training in general surgery at the University of Iowa in Iowa City and that, further, such training specifically included surgical treatment of fractured hips.

2. That the five acts complained of herein occurred between twelve (12) and six (6) years ago (August 13, 1979; November 23, 1982; November 8, 1983; September 22, 1984; and January 31, 1985) and were investigated by the Board of Medical Examiners by approximately June of 1988.

3. In spite of the Respondent, Eduardo Reveiz's, M.D., request to submit additional information, if additional questions existed as to any matter of inquiry, no further request for information was made.

4. The Respondent, Eduardo Reveiz, M.D., has continued to practice medicine from 1988 through 1991 with the knowledge of the

Board of Examiners and to the benefit of his community in general and his patients in specific.

5. The Complainant's actions are barred by the doctrines of waiver and laches.

WHEREFORE, the Respondent, Eduardo Reveiz, M.D., prays that the Board enter a decision dismissing this Complaint or, alternatively, exonerating the Respondent, Eduardo Reveiz, M.D., and for such other relief as the Board deems just in the circumstances.

#### DIVISION IV

COMES NOW the Respondent, Eduardo Reveiz, M.D., and for an Affirmative Defense to all Complaints herein states:

1. That the Respondent, Eduardo Reveiz, M.D., received his five years of training in general surgery at the University of Iowa in Iowa City and that, further, such training specifically included surgical treatment of fractured hips.

2. That the five acts complained of herein occurred between twelve (12) and six (6) years ago (August 13, 1979; November 23, 1982; November 8, 1983; September 22, 1984; and January 31, 1985) and were investigated by the Board of Medical Examiners by approximately June of 1988.

3. On March 29, 1988, over three years ago, the Respondent, Eduardo Reveiz, M.D., through his attorney advised this Board of his fear of an improperly motivated investigation, promised his complete cooperation, requested the opportunity to review the basis of any such potential complaint and requested prompt action to protect the Respondent, Eduardo Reveiz's, M.D., rights and interests.

4. The Respondent, Eduardo Reveiz, M.D., was never given the opportunity to review the basis of any such potential Complaint, prior to the formal filing herein, and following his submission of file extracts on June 8, 1988, including his request to respond if further response was necessary, nothing further was heard on this matter until immediately before the filing of the formal Complaint nearly three (3) years thereafter.

5. Two of the five incidents contained in the formal Complaint related to matters to which the Respondent, Eduardo Reveiz, M.D., had not even been requested to address by the investigator in 1988.

6. In the interim following this investigation, several of the patients have passed away (due to causes unrelated to these issues) and, in addition, Dr. Kuramoto, who was the initial receiving physician for patient No. 4 and who concurred with the Respondent, Eduardo Reveiz, M.D., as to the injuries sustained by that Patient, has since died and thus is not available to testify in this matter.

7. Rule 653-12.50(4) of the Iowa Administrative Code stresses the requirement for a prompt filing of the Complaint "in order to ensure the availability of witnesses and to avoid initiation of an investigation under conditions which may have been significantly altered during the period of delay".

8. Rule 653-12.50(5) provides in relevant part that ". . . the person. . . may be given the opportunity to informally present a position or defense respecting the allegations of the Complaint

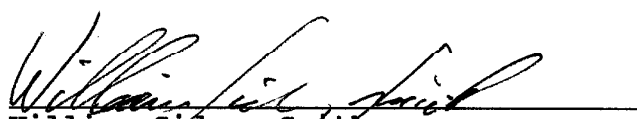
prior to the commencement of a contested case. . . . A personal conference with the Executive Director, Investigator or Peer Review Committee may be had as a matter of right upon request." [emphasis added]

9. As a result of the foregoing, the Respondent, Eduardo Reveiz's, M.D., right to attempt to resolve these matters prior to a formal filing of the Complaint through a personal conference as provided in Rule 653-12.50(5) and to have his case promptly processed so that he could preserve and record facts and conditions as required by Rule 653-12.50(4) has been effectively denied him.

10. By reason of the foregoing, the Complainant is hereby estopped from proceeding hereunder against this Respondent, Eduardo Reveiz, M.D.

WHEREFORE, the Respondent, Eduardo Reveiz, M.D., prays that the Board enter a decision dismissing this Complaint or, alternatively, exonerating the Respondent, Eduardo Reveiz, M.D., and for such other relief as the Board deems just in the circumstances.

Respectfully submitted,

  
William Sidney Smith  
SMITH, SCHNEIDER, STILES, MUMFORD,  
SCHRAGE, ZUREK, WIMER & HUDSON, P.C.  
1000 Equitable Building  
Des Moines, IA 50309  
(515) 245-6789

ATTORNEY FOR RESPONDENT

Original Filed.

BEFORE THE BOARD OF  
MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE	:	02-84-229, 02-85-079,
COMPLAINT AND STATEMENT	:	02-85-359, 02-85-452
OF CHARGES AGAINST EDUARDO	:	
REVEIZ, M.D.,	:	
Respondent.	:	ACKNOWLEDGEMENT OF NOTICE

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COMES NOW Eduardo Reveiz, M.D., by and through his attorney, William Sidney Smith, and pursuant to Rule 653-12.50(13)(h) of the Iowa Administrative Code states as follows:

1. The Respondent, Eduardo Reveiz, M.D., acknowledges he was personally served in the above-referenced matter on April 15, 1991, notifying him of a hearing in this matter set for 9:00 a.m. on July 18, 1991, in the east conference room, Iowa State Board of Medical Examiners Offices, 1209 E. Court, Des Moines, Iowa.

2. While the Respondent, Eduardo Reveiz, M.D., has captioned this matter as provided in the Complaint, the Respondent further notes that the Investigative Report provided him April 23, 1991, does not include a reference to 02-85-079 but rather to 02-85-076. Further, the case file numbers do not appear to correspond to the individuals listed in the Complaint.

3. The Respondent, Eduardo Reveiz, M.D., will be present at the scheduled hearing.

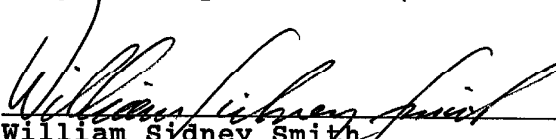
4. The Respondent, Eduardo Reveiz, M.D., does not require an adjustment of either the date or the time of the hearing.

5. The Respondent, Eduardo Reveiz, M.D., has just been given access to the investigative reports and as a result, a final determination of witnesses cannot be made but, based on the

information he has received to date, he anticipates calling the following witnesses at such hearing:

- a) K.Y. Lee, M.D., Hamilton County Hospital, Webster City, Iowa;
- b) Steven Wanzek, M.D., 1215 Duff Avenue, Ames, Iowa;
- c) Samir Wahby, M.D., 1220 Central Avenue, Fort Dodge, Iowa;
- d) Robert Gitchell, M.D., 1215 Duff Avenue, Ames, Iowa;
- e) Gail D. Beebe, State Capitol Complex, Executive Hills West, Des Moines, Iowa 50309; and
- f) Such other physicians as may have rendered reports, recommendations or analysis as are related to these Complaints.

Respectfully submitted,

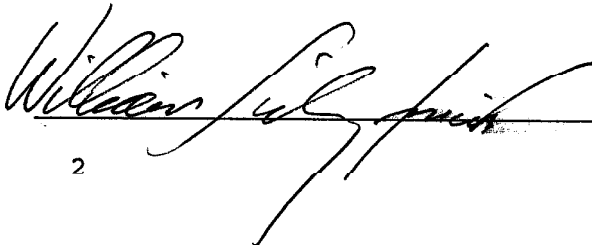
  
William Sidney Smith  
SMITH, SCHNEIDER, STILES, MUMFORD,  
SCHRAGE, ZUREK, WIMER & HUDSON, P.C.  
1000 Equitable Building  
Des Moines, IA 50309  
(515) 245-6789

ATTORNEY FOR RESPONDENT

Original Filed.

#### PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Julie F. Pottorff, Assistant Attorney, Iowa Department of Justice, Hoover State Office Building, Des Moines, IA 50309 (515) 281-8760 by depositing a copy thereof in the U.S. mail, postage prepaid, in an envelope addressed to the above attorney on April 24, 1991.

  
2

BEFORE THE BOARD OF  
MEDICAL EXAMINERS  
OF THE STATE OF IOWA


---

IN THE MATTER OF THE	:	02-84-229, 02-85-079,
COMPLAINT AND STATEMENT	:	02-85-359, 02-85-452
OF CHARGES AGAINST EDUARDO	:	
REVIEZ, M.D.,	:	
Respondent.	:	APPEARANCE

---

COMES NOW William Sidney Smith and hereby enters his  
Appearance in the above-captioned action on behalf of Eduardo  
Reviez.

Respectfully submitted,

  
William Sidney Smith  
SMITH, SCHNEIDER, STILES, MUMFORD,  
SCHRAGE, ZUREK, WIMER & HUDSON, P.C.  
1000 Equitable Building  
Des Moines, IA 50309  
(515) 245-6789

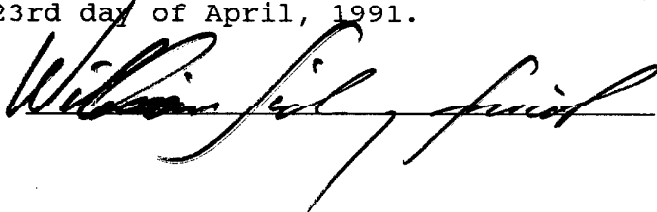
ATTORNEY FOR RESPONDENT

Original Filed.  
Copy Mailed To:

Julie F. Pottorff  
Assistant Attorney  
Iowa Department of Justice  
Hoover State Office Building  
Des Moines, IA 50309  
(515) 281-8760

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was  
served upon Julie F. Pottorff by enclosing the same in an envelope  
addressed to her at her respective address as disclosed by the  
pleadings of record herein, with postage fully paid, and by  
depositing said envelope in a United States Post Office Depository  
in Des Moines, Iowa, on the 23rd day of April, 1991.



BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :

AND STATEMENT OF CHARGES AGAINST : ORDER FOR HEARING

EDUARDO REVEIZ, M.D. : 02-84-229, 02-85-079

RESPONDENT. : 02-85-359, 02-85-452

\* \* \* \* \*

NOW on April 11, 1991, the above entitled matter coming before the Chairman, Iowa State Board of Medical Examiners for purposes of setting a time and date for hearing the Complaint and Statement of Charges filed by the Iowa State Board of Medical Examiners, to revoke, suspend or otherwise discipline the medical license of the above named Respondent, which was filed in this cause on April 11, 1991, for the reasons set out in the said Complaint and Statement of Charges. The Board Chairman being fully advised in the premises FINDS:

That a hearing should be held on said Complaint and Statement of Charges, that notice thereof shall be given to Respondent in the manner prescribed by Rule 653-12.50(9) of the Iowa Administrative Code.

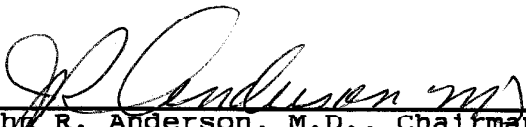
IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED that a hearing be held upon said Complaint and Statement of Charges to revoke, suspend or otherwise discipline the medical license of the Respondent which has been filed herein, and that the same was set down for hearing before the Board at 7:00 o'clock, A.M., on July 18, 1991, said hearing to take place at the east conference room, Iowa State Board of



Medical Examiners Offices, 1209 E. Court, Des Moines, Iowa.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that a written notice of said hearing together with a copy of the Complaint and Statement of Charges shall be served upon the Respondent at least thirty days before said hearing in the manner required for the service of notice and the commencement of an ordinary action or by certified mail return receipt requested.

IOWA STATE BOARD OF MEDICAL EXAMINERS

  
\_\_\_\_\_  
John R. Anderson, M.D., Chairman  
Iowa State Board of Medical Examiners

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :

AND STATEMENT OF CHARGES AGAINST : ORIGINAL NOTICE

EDUARDO REVEIZ, M.D. : 02-84-229, 02-85-079

RESPONDENT. : 02-85-359, 02-85-452

\* \* \* \* \*

TO THE ABOVE NAMED RESPONDENT:

Now on April 11, 1991, pursuant to the authority granted to the Iowa State Board of Medical Examiners under sections 17A.11 through 17A.18, 147.55, 148.6, 148.7, 258A.5, and 258A.6, of the 1987 Code of Iowa, and Rules 653-12.50(1) through 653-12.50(35), of the Iowa Administrative Code, you are hereby notified that a Complaint and Statement of Charges filed against you by the Iowa State Board of Medical Examiners, is now on file in the office of the Iowa State Board of Medical Examiners, State Capitol Complex, Executive Hills West, Des Moines, Iowa 50319-0180. The said Complaint and Statement of Charges prays that your license to practice as a physician, be revoked, suspended or otherwise disciplined for all of the reasons set out in the said Complaint and Statement of Charges. For further particulars and for specific statutes and rules involved, see a copy of the Complaint and Statement of Charges which is hereby attached and by this reference made a

part hereof.

You are also hereby notified that the said Complaint and Statement of Charges will be fully heard and considered by the Board at 9:00 o'clock A.M., on July 18, 1991, in the east conference room, Iowa State Board of Medical Examiners Offices, 1209 E. Court, Des Moines, Iowa, at which time you may appear and show cause, if any, for not granting the relief prayed for in the said Complaint and Statement of Charges. If you fail to so appear and defend, the hearing will proceed and a decision will be made.

You are also hereby notified that you may appear personally and be represented by counsel at your own expense, with the right to produce evidence in your behalf, to examine and cross-examine witnesses and to examine documentary evidence produced against you.

You are also hereby notified that within ten days of receipt of this Original Notice, you must acknowledge receipt of the attached Notice of Hearing, state whether you will be present at the hearing, state whether you will require an adjustment of the date and time of the hearing, and furnish the Board with a list of witnesses you wish to subpoena in compliance with Rule 653-12.50(13) of the Iowa Administrative Code.

You are also hereby notified that within twenty days of receipt of this Original Notice, you must file with the Board an answer of the type specified in Rule 653-12.50(14) of the Iowa

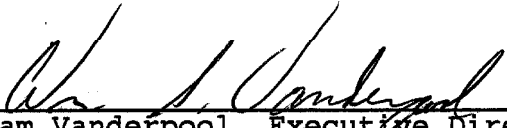
Administrative Code.

You are also hereby notified that the office of the Attorney General is responsible for representation of the public interest in these proceedings. Copies of all pleadings should be served on counsel at the following address:

Julie F. Pottorff  
Assistant Attorney General  
Iowa Department of Justice  
Hoover State Office Building  
Des Moines, Iowa 50319  
(515) 281-8760

IOWA STATE BOARD OF MEDICAL EXAMINERS

BY:

  
William Vanderpool, Executive Director  
Iowa State Board of Medical Examiners  
State Capitol Complex  
Executive Hills West  
Des Moines, Iowa 50319  
Telephone 515-281-5171

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT  
EDUARDO REVEIZ, M.D. : OF CHARGES  
RESPONDENT : 02-84-229, 02-85-079,  
02-85-359, & 02-85-452

\* \* \* \* \*

COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners, (hereafter the Board) on April 11, 1991, and at the direction of the Board files this Complaint and Statement of Charges against Eduardo Reveiz, M.D., (hereafter the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That Christopher G. Atchison is the duly appointed Director of Public Health of the State of Iowa.

2. That John R. Anderson, M.D., Chairman; C. L. Peterson, D.O., Vice Chairman; Ann O'Neill, Secretary; Edra Broich; Charlotte Cleavenger, D.O.; Donna Drees, M.D.; John W. Olds, M.D.; George G. Spellman, Sr., M.D.; and Robert B. Stickler, M.D., are the duly appointed and qualified officers and members of the Board.

3. That the Respondent was issued license number 18075 to practice medicine and surgery in the state of Iowa on March 12, 1970, as recorded in the permanent records in the office of the Board.

4. That the Respondent's license is current until February 1, 1992.

5. That on or about November 23, 1982, the Respondent provided substandard medical care to patient #1 by performing a classical C-section rather than a low transverse C-section when circumstances did not warrant the classical C-section's use.

6. That on or about September 22, 1984, the Respondent provided substandard medical care to patient #2 by his inappropriate selection of a fixation device.

7. That on or about January 31, 1985, the Respondent provided substandard medical care to patient #3 by his failing to properly position the pin to give fixation of the fracture.

8. That on or about August 13, 1979, the Respondent provided substandard medical care to patient #4 by performing a right hip nailing when no evidence of a right hip fracture was present on x-ray.

9. That prior to November 8, 1983, the Respondent provided substandard medical care to patient #5 by:

a. The inappropriate use of medication in the treatment of asthma; and

b. The failure to respond appropriately to a toxic blood level.

10. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 147.55, 147.55(2), 147.55(3), 147.55(8), 148.6(1), 148.6(1)(g), and 148.6(1)(i) of the 1991 Code of Iowa, which state in whole or in part:

147.55 - "Grounds. A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:"

147.55(2) - "Professional incompetency."

147.55(3) - "...[P]ractice harmful or detrimental to the public..."

147.55(8) - "...[R]epeated violations of the provisions of this Act."

148.6(1) - "The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 258A, or this subsection..."

"Pursuant to this section the board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:"

148.6(1)(g) - "Being guilty of a...repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery..."

148.6(1)(i) - "...[R]epeated violation of lawful rule or regulation adopted by the board..."

11. That the Board is authorized to take disciplinary action against the Respondent pursuant to the provisions of rules 653-12.4, 653-12.4(2), 653-12.4(2)(b), 653-12.4(2)(c), 653-12.4(2)(d), 653 -12.4(3), 653-12.4(3)(c), 653-12.4(13), 653-12.4(15) and 653-12.4(28) of the Iowa Administrative Code which state in whole or in part:

653-12.4 - "Grounds for discipline. The Board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:"

653-12.4(2) - "Professional incompetency. Professional incompetency includes but is not limited to:"

653-12.4(2)(b) - "A substantial deviation by the physician from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;"

653-12.4(2)(c) - "A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances;"

653-12.4(2)(d) - "A...repeated departure from or the failure to conform to the minimal standard of acceptable and prevailing practice of...medicine and surgery...in the state of Iowa."

653-12.4(3) - "...[P]ractice harmful or detrimental to the public..."

653-12.4(3)(c) - "Practice harmful or detrimental to the public includes, but is not limited to the failure of a physician to possess and exercise that degree of skill, learning and care expected of a reasonable prudent physician acting in the same or similar circumstances in this state..."

653.12-4(13) - "Being guilty of a...repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery..."

653-12.4(15) - "...[R]epeated violation of lawful rule or regulation adopted by the board."

653-12.4(28) - "Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections 147.55 and 148.6."

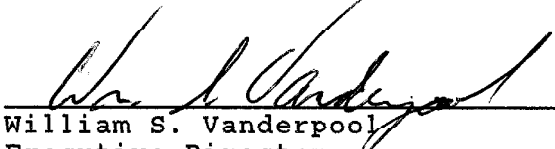
12. That paragraphs 10 and 11 constitute grounds for the



Board to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on March 12, 1970.

WHEREFORE the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of sections 147.55, 147.55(2), 147.55(3), 147.55(8), 148.6(1), 148.6(1)(g) and 148.6(1)(i) of the 1991 Code of Iowa, and rules 653-12.4, 653-12.4(2), 653-12.4(2)(b), 653-12.4(2)(c), 653-12.4(2)(d), 653-12.4(3), 653-12.4(3)(c), 653-12.4(13), 653-12.4(15), and 653-12.4(28) of the Iowa Administrative Code. The undersigned prays that the Board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent on March 12, 1970, and for such other relief as the Board deems just in the premises.

Iowa State Board of Medical Examiners

  
\_\_\_\_\_  
William S. Vanderpool  
Executive Director  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319-0180  
(515) 281-5171